

## **REMARKS**

### **1.) Claim Amendments**

The Applicants have amended claims 1, 2, 4, 6, and 7; claims 8-25 were previously canceled; and claims 26-42 have been added. Accordingly, claims 1-7 and 26-42 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) IDS**

The new Applicant recently obtained ownership of the present application and herewith submits an Information Disclosure Statement (IDS) in satisfaction of the Applicant's duty of disclosure pursuant to 37 C.F.R. 1.56 and in accordance with 37 C.F.R. 1.97-1.99. The fee set forth in 37 C.F.R. 1.17(p) is enclosed herewith.

### **3.) Examiner Objections**

In paragraph 1 of the Office Action, the Examiner objected to the title of the invention as not being descriptive. The Examiner suggested a more descriptive title. However, the Examiner's suggested title was directed toward claims 8-25, which were canceled in the preliminary amendment. The Applicant has added claims 26-42, and suggests the following title as being descriptive of the claimed invention: --FUEL DISPENSING SYSTEM AND METHOD PROVIDING DISCOUNTED PRICES TO INDIVIDUALLY IDENTIFIED CUSTOMERS--. The Examiner's approval of the amended title is respectfully requested.

### **4.) Claim Rejections – 35 U.S.C. § 102(e)**

The Examiner rejected claims 1, 2, and 5-7 under 35 U.S.C. 102(e) as being anticipated by Bohnert et al. (US 5,797,470). The Applicant has amended

the claims to better distinguish the claimed invention from Bohnert. The Examiner's consideration of the amended claims is respectfully requested.

Bohnert discloses a system for transacting fuel purchases that automates many of the features that other systems perform manually. However, Bohnert describes only a straightforward fuel purchase, with no individualized discounting of the purchase price.

Claim 1 has been amended to recite a system for dispensing fuel through a nozzle. The system includes a controller in communication with the nozzle for selectively causing the nozzle to dispense the fuel during a purchase by a user; a reader connected to the controller for reading data provided by the user and transferring the data to the controller; and a database for storing a record corresponding to the data. The record includes a monetary value credited to the customer, and upon receipt of the data, the controller is adapted to access the record, cause the nozzle to dispense the fuel, and credit the monetary value in the record toward the user's purchase of the fuel.

There is no teaching or suggestion in Bohnert of a system that stores a credit value for a customer and credits the stored value to a fuel purchase. Basis for the amendments to claim 1 are found in the original specification on page 13, line 12 through page 14, line 7; and FIGS. 8-10. Therefore, the withdrawal of the rejection and the allowance of amended claim 1 are respectfully requested.

Claims 2 and 5-7 depend from amended claim 1 and recite additional features in combination with the novel features of claim 1. Basis for the amendments to claims 2 and 6 are also found in the original specification on page 13, line 12 through page 14, line 7; and FIGS. 8-10. Therefore, the allowance of claims 2 and 5-7 is respectfully requested.

##### **5.) Claim Rejections – 35 U.S.C. § 103(a)**

The Examiner rejected claims 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Bohnert in view of Helbling (US 5,555,497). The Examiner stated that Bohnert shows the invention recited in claims 3 and 4 except for the data comprising optical data. The Applicant contends that the amendments to

base claim 1 distinguish the invention of claims 3 and 4 from Bohnert and Helbling because neither of these references disclose or suggest a system that stores a credit value for a customer and credits the stored value to a fuel purchase. In addition, amended claim 4 recites that the optical data comprises a bar code included on a receipt provided to the user *during a past purchase*. There is no teaching or suggestion in either Bohnert or Helbling that data from a past purchase could be utilized to trigger a credit for a current fuel purchase. Therefore, the allowance of claims 3 and 4 is respectfully requested.

#### 6.) New Claims

New independent claim 26 recites a method by which a fuel retailer can maintain a posted street price for fuel while offering to identified customers, prices that are different from the posted street price. The method includes the steps of posting the street price on a fuel dispenser; inputting customer identification information through an input device; associating with the customer identification information, a price-per-unit (PPU) difference from the posted street price of the fuel; and applying the associated PPU difference to the posted street price to arrive at a discounted PPU for the customer.

As noted above, Bohnert describes only a straightforward fuel purchase, with no individualized discounting of the purchase price. The other cited references also fail to disclose or suggest this feature. Basis for claim 26 is found in the original specification in Example C on page 11, lines 1-12. Therefore, the allowance of claim 26 and dependent claims 27-33 is respectfully requested.

New independent claim 34 recites a system for maintaining a posted street price for fuel by a fuel retailer while offering to an identified customer, prices that are different from the posted street price. The system includes a fuel dispenser having a display for posting the street price; an input device for inputting customer identification information; a database that stores a plurality of predetermined PPUs for the fuel; and a processor that associates with the customer identification information, one of the plurality of predetermined PPUs

from the database, and applies the associated predetermined PPU to a fuel sales transaction with the customer.

As noted above, Bohnert describes only a straightforward fuel purchase, with no individualized discounting of the purchase price. The other cited references also fail to disclose or suggest this feature. Basis for claim 34 is found in the original specification in Example C on page 11, lines 1-12. Therefore, the allowance of claim 34 and dependent claim 35 is respectfully requested.

New independent claim 36 recites a method of providing multiple level discounts on a desired product or service to a customer who purchases at least one cross-marketed product or service. The method includes the steps of awarding a first discount on the desired product or service to the customer based on a purchase by the customer of a first cross-marketed product or service; awarding a second discount on the desired product or service to the customer based on a purchase by the customer of a second cross-marketed product or service; adding the first discount to the second discount to determine a total discount on the desired product or service; and awarding the total discount to the customer.

As noted above, Bohnert describes only a straight-forward fuel purchase, with no individualized discounting of the purchase price. The other cited references also fail to disclose or suggest this feature. Basis for claim 36 is found in the original specification in Example B on page 10, lines 7-22. Therefore, the allowance of claim 36 and dependent claims 37-39 is respectfully requested.

New independent claim 40 recites a method of providing a discount on a desired product or service to a customer who purchases at least one cross-marketed product or service. The method includes the steps of awarding a first discount amount on the desired product to the customer based on a purchase by the customer of a first cross-marketed product or service; assigning a customer identification to the customer; and storing the first discount amount in a discounts issued database that associates the first discount amount with the customer

identification. This is followed by inputting by the customer in a subsequent transaction, the customer identification; retrieving the first discount amount from the discounts issued database; and reducing the price of the desired product or service by the first discount amount.

As noted above, Bohnert describes only a straight-forward fuel purchase, with no individualized discounting of the purchase price. The other cited references also fail to disclose or suggest this feature. Basis for claim 40 is found in the original specification in Example B on page 10, lines 7-22, without the requirement for the user to collect multiple receipts. Therefore, the allowance of claim 40 and dependent claims 41 and 42 is respectfully requested.

## CONCLUSION

For all the above reasons, the Applicant respectfully requests the allowance of claims 1-7 and 26-42.

Respectfully submitted,



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